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TOWN OF BELMONT
WARRANT FOR
SPECIAL TOWN MEETING

(Town Seal)

CHENERY MIDDLE SCHOOL AUDITORIUM

MONDAY

November 17, 2003

at Seven Thirty p.m.

TOWN OF BELMONT

WARRANT FOR SPECIAL TOWN MEETING

NOVEMBER 17, 2003

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

To either of the Constables in said County:

Greetings:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the Inhabitants of the Town of Belmont, qualified as the law requires to vote in Town Affairs, to meet at the Chenery Middle School Auditorium on MONDAY November 17, 2003 at 7:30 p.m., and to notify and warn the Town Meeting Members to meet and act at said time and place on the following Articles, viz:

ARTICLE 1: To hear the report of the Selectmen and other Town Officers. To hear the report of any Committee heretofore appointed and to act thereon.

No action is necessary by the Warrant Committee.

ARTICLE 2: To see if the Town will vote to appropriate the sum of \$90,000 for design services toward a Master Plan for renovations at Belmont High School, determine how the same shall be raised and by whom expended, or in any way act thereon.

The Warrant Committee and Capital Budget Committee will report orally on this Article.

ARTICLE 3: To see if the Town will vote to limit participation in the Early Retirement Incentive Program established by Section 116 of Chapter 46 of the Acts of 2003 as follows:

1. For purposes of the Early Retirement Incentive Program, the term "department" shall mean a Town payroll department.

2. Participation in the Early Retirement Incentive Program shall be limited to eligible employees within the following payroll departments:

- a) Department 23 (Public Safety Communications)
- b) Department 44 (Street Maintenance)
- c) Department 45 (Sanitary Sewer)
- d) Department 53 (Cemetery)
- e) Department 58 (Council on Aging)
- f) Department 88 (Human Resources)
- g) Department 526 (Water Administration)
- h) Department 833 (Municipal Light Department);

and to take such other action as may be necessary to implement the vote of the Board of Selectmen accepting the program, or in any way act thereon.

The Warrant Committee will report orally on this Article.

ARTICLE 4: To see if the Town will vote to amend Article 4 of the General By-Laws of the Town, entitled "Board of Selectmen", by adding a new Section 4.14 as follows:

"4.14 Notwithstanding the provisions of Section 56 of Chapter 98 of the General Laws, the sealers of weights and measures shall receive the following fees for sealing the following weighing or measuring devices:

1. Each scale with a weighing capacity of more than ten thousand pounds, 150 dollars.
2. Each scale with a weighing capacity of five thousand to ten thousand pounds, 100 dollars.
3. Each scale with a weighing capacity of one thousand to five thousand pounds, 50 dollars.
4. Each scale with a weighing capacity of one hundred to one thousand pounds, 50 dollars.

5. Scales and balances with a weighing capacity of more than ten pounds and less than one hundred pounds, 15 dollars.

6. Scales and balances with a weighing capacity of ten pounds or less, 15 dollars.

7. Each liquid capacity measure, except vehicle tanks, of the capacity of more than one gallon and measures on pumps, 15 dollars.

8. Each liquid measuring meter, except water meters, the diameter of the inlet pipe of which is one half inch or less, 20 dollars, more than one half inch but not more than one inch, 20 dollars; for each such type of liquid measuring meter, the diameter of the inlet pipe of which is more than one-inch, the following shall apply, vehicle-tank pump 50 dollars, vehicle-tank gravity 50 dollars, bulk storage 100 dollars, bulk storage user furnishes certified prover 100 dollars.

9. Each taximeter or measuring device used upon vehicles to determine the cost of transportation 20 dollars.

10. Each machine or other mechanical device used for determining linear or area measurement, 40 dollars.

11. Vehicle tanks used in the sale of commodities by liquid measure shall be charged for each hundred gallons or fraction thereof, 20 dollars. An additional fee of 20 dollars per sealed indicator shall be received.

12. All weights and other measures, 2 dollars each.

They shall also receive reasonable compensation for the use of special facilities, necessary repairs, alterations and adjustments made by them."

or in any way act thereon.

The Warrant Committee will report orally on this Article.

ARTICLE 5: To see if the Town will vote, pursuant to Chapter 40, Section 15A, of the General Laws, to transfer to the Board of Selectmen the care, custody, management and control of the real property on Brighton Street shown on Assessors' Map 45 as Parcel 45, for the purpose of selling or otherwise disposing of such property, or in any way act thereon.

The Warrant Committee and Capital Budget Committee will report orally on this Article.

ARTICLE 6: To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to sell or otherwise dispose of the real property on Brighton Street shown on Assessors' Map 45 as Parcel 45, or in any way act thereon.

The Warrant Committee and Capital Budget Committee will report orally on this Article.

ARTICLE 7: To see if the Town will vote, pursuant to Chapter 40, Section 15A, of the General Laws, to transfer to the Board of Selectmen the care, custody, management and control of the real property on B Street shown on Assessors' Map 29 as Parcel 68, and a portion of Parcel 68A for the purpose of selling or otherwise disposing of such property in order to develop housing pursuant to the plans of the Belmont Housing Trust, all as shown on a plan entitled "Plan of B Street Property, Belmont, Mass." dated October 28, 2003 by Thomas G. Gatzunis, Town Engineer, on file in the Town Clerk's Office, or in any way act thereon.

The Warrant Committee and Capital Budget Committee will report orally on this Article.

ARTICLE 8: To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to sell or otherwise dispose of the real property on B Street shown on Assessors' Map 29 as Parcel 68, and a portion of Parcel 68A, all as shown on a plan entitled "Plan of B Street Property, Belmont, Mass." dated October 28, 2003 by Thomas G. Gatzunis, Town Engineer, on file in the Town Clerk's Office or in any way act thereon.

The Warrant Committee and Capital Budget Committee will report orally on this Article.

ARTICLE 9: To see if the Town will vote to amend Section 1.4, "Definitions and Abbreviations," of the Zoning By-Law as follows:

a. By inserting a new definition entitled "Catering Service" after "Building" and before "Cellar" as follows:

"Catering Service - An establishment that prepares, serves, and supplies food in large quantities to be delivered and consumed off premises. Deliveries of food products occur on a regular basis."

b. By inserting a new definition entitled "Other Retail Sales and Services" after "Open Space" and before "Parking Space" as follows:

"Other Retail Sales and Services - An establishment primarily engaged in the retail sale of goods, services and/or products (including baked products, ice cream, and/or candy for consumption off site with no seating provided on site). Such uses may include incidental food service."

c. By replacing the existing definition entitled "Restaurant" with a new definition as follows:

"Restaurant - An establishment at which the principal activity is the preparation, service, and sales of food for consumption on the premises."

d. By inserting a new definition entitled "Restaurant, Fast Food" after "Restaurant" and before "Roof-Mounted Wireless Telecommunications Facility" as follows:

"Restaurant, Fast Food - An establishment whose primary business is the sale of food for consumption on the premises which is: (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; (c) packaged or presented in such

a manner that it can be readily eaten outside the premises where it is sold; (d) which, because of the nature of the operation sells large volumes of food; but not including drive-up windows."

e. By inserting a new definition entitled "Restaurant, Take Out" after "Restaurant" and before "Roof-Mounted Wireless Telecommunications Facility" as follows:

"Restaurant, Take Out - An establishment whose primary business is the sale of food for consumption off the premises which is: (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold; (d) which, because of the nature of the operation sells large volumes of food, (e) commonly generate a large volume of vehicular traffic, but not including drive-up windows."

or in any way act thereon.

The Planning Board will report orally on this Article.

ARTICLE 10: To see if the Town will vote to amend Section 3.3, "Schedule of Use Regulations," of the Zoning By-Law by inserting the provisions listed below:

- a. Catering Service -
 - In the LBI, LBII and LBIII Zoning Districts allow up to 5,000 square feet by-right; greater than 5,000 square feet would require a Special Permit.
- b. Restaurant -
 - In LBI and LBII Zoning Districts allow up to 10,000 square feet by-right; greater than 10,000 square feet would require a Special Permit.
 - In LBIII and GB Zoning Districts allow restaurants only by Special Permit.
- c. Restaurant, Fast Food -

- In LBI, LBII, LBIII and GB Zoning Districts allow only by Special Permit.
- d. Restaurant, Take Out -
- In LBII, LBIII and GB Zoning Districts allow only by Special Permit.
 - Not allowed in LBI Zoning District.

or in any way act thereon.

The Planning Board will report orally on this Article.

ARTICLE 11: To see if the Town will vote to delete from Section 3.3, "Schedule of Use Regulations", of the Zoning By-Law the accessory use provision line item "Sale of food or drink ready for consumption without further preparation," or in any way act thereon.

The Planning Board will report orally on this Article.

ARTICLE 12: To see if the Town will vote to delete from Section 5.1.1, "Number of Spaces" of the Zoning By-Laws, paragraph "c)" and re-alphabetize the remaining subsections or in any way act thereon.

The Planning Board will report orally on this Article.

ARTICLE 13: To see if the Town will vote to insert in the Zoning By-Law a new Section 7.5 entitled "Development Impact Report" and renumber the existing sections accordingly as follows:

- "7.5 DEVELOPMENT IMPACT REPORT
- 7.5.1 Purpose:

The purpose of a Development Impact Report is to enable the applicable board and municipal officials to identify the environmental/social/physical and/or infrastructure impacts of the requested activity and to determine if the impacts can be mitigated. The DIR shall identify the methods be used to mitigate and to minimize adverse impacts on the neighborhood and the Town.

7.5.2. Applicability:

A Development Impact Report (DIR) may be required by the Planning Board or Zoning Board of Appeals during a review of any application for a non-residential or multi-family structure or use which could have significant, deleterious environmental, physical or social impacts on the neighborhood and/or the Town and its infrastructure. This provision is adopted pursuant to Section 53G, Chapter 44, MGL and as such, the Report shall be at the expense of the applicant.

1. At their discretion, the Planning Board or the Zoning Board of Appeals may require a DIR upon the submittal of any application for a Special Permit, Design & Site Plan Review Approval or a Comprehensive Permit.

2. If the applicant is required to file an Environmental Impact Report with the MEPA Unit of the Executive Office of the Environmental Affairs, the Draft or Final Environmental Impact Report may be submitted to fulfill the requirements of this Section. This decision is at the discretion of the Board reviewing the application.

7.5.3 Consultant Selection & Requirements:

1. The appropriate Board shall develop a Scope of Work to guide the completion of the DIR. This Scope may be coordinated with other boards and/or professional staff. Upon the completion of the Scope of Work, the Board shall send out a "Request for Proposal" to at least three (3) qualified consulting firms. The Board shall review all responses and choose the optimum proposal.

(a) The selected consultant must have an educational degree in or related to the field at issue, or

(b) Have three or more years of practice in the field at issue, and

(c) Provide suitable references for similar activities in other communities.

2. The applicant may appeal the selection of the consultant to the Board of Selectmen if they believe that the selected consultant has a conflict of interest or does not possess the minimum required qualifications. The time required for action on the application is extended pending the appeal. The Selectmen have one (1) month from the date of the appeal to render a decision.

3. The applicant shall then be required to make a payment to the Town of Belmont in the exact sum of the proposal selected. This money shall be placed in a separate, interest bearing escrow account administered by the Town Treasurer pursuant to Section 53G, Chapter 44, MGL. An annual report on such accounts shall be submitted by the Treasurer to the Town Administrator.

7.5.4 Contents of the Scope of Work:

The appropriate Board may waive or add to the list of concerns noted below pursuant to the specifics of each application. It is recommended that the applicant work with the Board to participate in the preparation of the Scope. The contents could include the following:

1. Physical Environment: Provide a description and impact analysis the development will have on the general topography, vegetation, geologic, scenic and historical features and open space of the site. Provide a description and impact analysis on properties abutting the site. This analysis may include traffic, lighting, noise, showing and emissions impacts.

(a) Identify historic archeological sites, geological, botanical, existing or potential trails and accesses to open space areas and how they will be maintained or enhanced.

2. Surface Water

(a) Provide a narrative on the following:

i. the methods and degree to which water is recycled back into the ground. Estimate

increase of peak run-off caused by altered surface conditions,

ii. the maintenance and improvement of the flow and quality of surface waters including Best Management Practices (BMP) to be employed,

iii. methods to prevent flooding onto adjacent properties.

(b) Describe the location, extent and type of existing water bodies or wetlands on the site and the proposed alterations to such, including both existing and proposed surface drainage characteristics within and adjacent to the site.

3. Erosion Controls:

(a) Describe the erosion control and soil stabilization methods, timing and locations to be used during construction.

i. approximate the size and location of land to be cleared at any given time and the length of time soil will be exposed;

ii. identify methods for protecting soil stockpiles; and

iii. detail any other erosion control issues.

(b) Evaluate the effectiveness of the proposed soil erosion control methods on the site and on the surrounding areas. Also review the permanent methods to be used to control erosion and sedimentation.

4. Town Services & Infrastructure:

(a) Estimate traffic flow at peak periods employing ITE standards and procedures. Detail the proposed on-site and projected off-site circulation patterns to the project. Detail pedestrian and bicycle movements and any proposed enhancements. Are new traffic controls (re: signals, signage, striping, etc.) or upgrades to existing controls necessary?

(b) Estimate the effect/impacts of the project on police and fire protection services, public works,

educational services, sewer capacity and the water supply system.

5. The appropriate Board may require the submission of information which could be required by the MEPA unit if an EIR were required under applicable MEPA regulations.

7.5.5 Results of the DIR Process

1. The selected consultant shall complete the Scope of Work developed in Paragraph D above and submit ten (10) copies of a written report to the appropriate Board and the applicant. This Report and any accompanying maps shall also be submitted in electronic format.

2. The Board shall employ the Report in reaching its decision on the application. Mitigation recommendations from the Report may be incorporated into a final decision on the application. However, the result of a Development Impact Report may be the basis for disapproval of the application.

3. Upon the satisfactory completion of the Scope of Work, the consultant shall be compensated the agreed upon fee and the applicant shall receive any remaining interest from the account. In no case shall the fee exceed the agreed upon amount unless authorized in advance by the applicant and the appropriate Board."

or in any way act thereon.

The Planning Board will report orally on this Article.

ARTICLE 14: To see if the Town will vote to discontinue the Building Setback Lines from certain parcels of land as identified on the Assessors' Maps (as revised through 1998) and identified by map and parcel numbers and street addresses as follows:

<u>Map - Parcel Number</u>	<u>Street Address</u>
1 - 16	129-35 Belmont Street
1 - 15	1-3 Exeter Street

<u>Map - Parcel Number</u>	<u>Street Address</u>
1 - 17	137-143 Belmont Street
1 - 40	161 Belmont Street
1 - 41	6-8 Oxford Avenue
1 - 62	171 Belmont Street
1 - 61	5 Marlboro Street
2 - 61	231-235 Belmont Street
5 - 102	63 Trapelo Road/2 Willow Street
5 - 103	6 Willow Street
5 - 124A	67 Trapelo Road
6 - 176	432-444 Common Street
12 - 130U1,2	131-133 Trapelo Road
12 - 213	130 Trapelo Road
14 - 225	234-240 Trapelo Road
14 - 226	244-248 Trapelo Road
14 - 227A	250-254 Trapelo Road
14 - 227	256 Trapelo Road
14 - 228, 231	268-278 Trapelo Road
14 - 235	280 Trapelo Road
14 - 236	290-292 Trapelo Road
14 - 1	243 Trapelo Road
14 - 40	263 Trapelo Road
21 - 122	70 Concord Avenue
21 - 72	82 Concord Avenue
44 - 137	344 Pleasant Street
44 - 136	358 Pleasant Street
44 - 135	368 Pleasant Street
45 - 43	330 Brighton Street
45 - 44	334 Pleasant Street
46 - 38	325-329 Pleasant Street
46 - 46	337 Pleasant Street
46 - 61	347 Pleasant Street
46 - 59	363 Pleasant Street

or in any way act thereon.

